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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,498	06/16/2006	Hermann Gollwitzer	502901-235PUS	3695
27799	7590	06/09/2010	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE LLP			SAIN CYR, JEAN D	
551 FIFTH AVENUE				
SUITE 1210			ART UNIT	PAPER NUMBER
NEW YORK, NY 10176			2425	
			MAIL DATE	DELIVERY MODE
			06/09/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,498	GOLLWITZER, HERMANN	
	<b>Examiner</b>	<b>Art Unit</b>	
	JEAN Duclos SAINT CYR	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 April 2010.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 7,8,10 and 11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 7,8,10 and 11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114.**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/19/2010 has been entered.

### **Objections to the claims**

In line 1 of claim 1, the applicant says "the audio /video system of claim 9". Appropriate correction is required because claim 9 was cancelled.

### **Response to Amendment**

This action is in response to applicant's amendment filed on 2/19/2010. Claims 7-8, 10-11 are still pending in the current application and claim 10 was cancelled. **This action is made NON- FINAL.**

### **Response to Arguments**

Applicant's arguments with respect to claims 7-8, 10-11 have been considered but are moot in view of the new ground(s) of rejection. Applicant argues that Adams that each of the nodes is configured to receive only a single wavelength and there is no teaching of using different wavelength for transmitting data across the channels.

However, Izadpanah et al disclose that a 25 MHz channel can accommodate a data bandwidth of 60-80 Mbps, while a 51 MHz channel can accommodate a data bandwidth of up to 155 Mbps, 0039; different bandwidth and channel rates may be allocated to different RF bands and can provide the flexibility of broadcast, multi-cast, or mono-cast communications, 0052; each OWDM channel having a different OWDM wavelength, 0012; from that information it is clear that different channel could be associated with different bandwidth and every channel has a different wave. As a result, this action is made non-final.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broghammer et al in view of Izadpanah US No. 20030002100.

Re claim 7, Broghammer et al disclose an audio/video system for a motor vehicle, comprising a ring-shaped (the MOST bus is ring-shaped), bidirectional, optical network including optical fibers and audio/video appliances connected to one another in a ring shape by said optical network (see fig.1; Video and Audio Applications in Vehicles, 0014; with an optical connecting line, 0020; see fig.1, DVD player, TV receiver).

But Broghammer et al did not explicitly disclose wherein data are transmitted between said audio/video appliances in said network in a first data channel having a first optical wavelength and in a second data channel having a second optical wavelength, each of said audio/visual appliances having an optical coupler with filters for separating said first and second data channels, wherein said first and second data channels have different bandwidths

However, Izadpanah et al disclose wherein data are transmitted between said audio/video appliances in said network in a first data channel having a first optical wavelength and in a second data channel having a second optical wavelength, each of said audio/visual appliances having an optical coupler with filters for separating said first and second data channels(each OWDM channel having a different OWDM

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wavelength,0012; optical coupler, 0043; this data proves that first channel and second channel has a different wavelength)

wherein said first and second data channels have different bandwidths(A 25 MHz channel can accommodate a data bandwidth of 60-80 Mbps, while a 51 MHz channel can accommodate a data bandwidth of up to 155 Mbps,0039; different bandwidth and channel rates may be allocated to different RF bands and can provide the flexibility of broadcast, multi-cast, or mono-cast communications,0052; from that information it is clear that different channel could be associated with different bandwidth).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Izadpanah into the invention of Broghammer for the purpose of allowing the system to transmit a plurality of signals to a plurality of channels containing different wavelength and bandwidth in order to process data according to its quality.

Re claim 8, Broghammer et al disclose wherein the data transmitted in said first data channels are formatted according to a first data format and data transmitted in said second data channel are formatted according to a second data format (The inventive graphic output unit 2 processes the various graphic data formats from different graphic data sources, and displays the processed, e.g., decompressed, graphic image data, 0023).

Re claim 11, Broghammer et al did not explicitly disclose wherein data are transmitted in said network on further data channels having other optical wavelengths.

However, Izadpanah et al disclose wherein data are transmitted in said network on further data channels having other optical wavelengths(The WWDM transceiver 800 may send and receive data for PCS users in the PCS band around 2 GHz, industrial and scientific data users in the industrial, scientific, and medical bands around 900

MHz, high speed data users at the millimeter-wave frequencies,0054; receiving the one or more OWDM channels from a first OWDM network, each OWDM channel having a different OWDM wavelength,0012).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Izadpanah into the invention of Broghammer for the purpose of limiting interferences among channel during transmission of data.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Broghammer et al in view of Izadpanah further in view of Adams US No. 6785472.

Re claim 10, Broghammer et al did not explicitly disclose wherein the one of the first and second data channels having a larger bandwidth is used to transmit data based on an Internet protocol.

However, Adams et al disclose wherein the one of the first and second data channels having a larger bandwidth is used to transmit data based on an Internet protocol(internet protocol networks, as well as other information bearing signals, sometimes referred to as "frames", that are found, for example, in streaming audio and/or video applications,col.4, lines 23-26).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to incorporate the teaching of Adams into the invention of Broghammer as modified by Izadpanah for the purpose of assigning larger bandwidth to channels according to internet protocol associated with the transmission of the data.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach

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the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Jean Duclos Saintcyr /

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425